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|          | <p style="text-align: center;"><b>Kasson Township Planning Commission<br/>Regular Meeting</b></p> <p style="text-align: center;"><b>Monday, November 15, 2020</b></p> <p style="text-align: center;"><b>Kasson Township Hall - 10988 S Newman Rd.</b></p> <p style="text-align: center;"><b>MINUTES</b></p>   |   |
| <b>1</b> | Vice-Chairperson Roush called the meeting to order at 7:00 p.m. Pledge of Allegiance was recited.   |   |
| <b>2</b> | <p><b>MEMBERS PRESENT:</b> Commissioner Anderson, Commissioner Carter, Commissioner (David) Noonan, Vice Chair Roush, Secretary Schaeffer.</p> <p><b>STAFF PRESENT:</b> Zoning Administrator Cypher.</p> <p><b>MEMBERS OF THE PUBLIC PRESENT:</b> Jim Lively, Duane and Mary Newman, Todd :Broad, Chris Volwonder, Joe Quandt</p>   | <p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> |
| <b>3</b> | <p>Roush brought the Tentative Agenda to the floor for approval.</p> <p><b>Moved by:</b> <i>Carter</i>, <b>seconded by:</b> <i>Noonan</i> <b>to approve the agenda, as presented.</b></p> <p><b>Ayes: All</b> <span style="float: right;"><b>CARRIED</b></span></p>   | <p><b>AGENDA</b></p> <p><b>AGENDA APPROVED</b></p>  |
| <b>4</b> | None.   | <b>CONFLICTS OF INTEREST</b>                        |
| <b>5</b> | None.   | <b>COMMENTS FROM THE PUBLIC</b>                     |
| <b>6</b> | <p>Roush noted a correction on item 1. The meeting was called to order by <u>Vice Chair Roush</u>, not <u>Chairperson Otto</u> (who was absent).</p> <p><b>Moved by:</b> <i>Carter</i>, <b>seconded by:</b> <i>Schaeffer</i> <b>to approve the minutes of September 20, 2021, as corrected.</b></p> <p><b>Ayes: All</b> <span style="float: right;"><b>CARRIED</b></span></p> | <p><b>MINUTES APPROVED SEPTEMBER 20, 2021</b></p>   |
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| 7A  | <p><b>Open Public Hearing</b></p> <p>Schaeffer noted that the notice of the Hearing was published in the <i>Leelanau Enterprise</i> on October 20, 2021.</p> <p><b>Moved by:</b> <i>Schaeffer</i>, <b>seconded by:</b> <i>Carter</i> <b>to open the Public Hearing for Special Use Permit Renewals</b></p> <p><b>Ayes: All</b></p> <p style="text-align: right;"><b>CARRIED</b></p>                             | <p><b>OPEN PUBLIC HEARING - SUP RENEWALS FOR ELMERS R.E., LRM RE HOLDINGS LLC, AND DUANE AND MARY NEWMAN</b></p> |
| 7A1 | <p><b>Consideration of SUP Renewal - Elmers R.E.</b></p>  |  |
|     | <p>a. Presentation by applicant - Attorney Joe Quandt. representing the Applicant.</p> <p>Mr. Quandt introduced himself. He indicated that in this renewal, the applicant was combining the SUPs for both the "M-72" Pit, the "Hulbert" Pit, two new small parcels adjacent to the "M-72" Pit, and one parcel adjacent to the "Hulbert" Pit.</p> <p>Otherwise the operations are continuing as in the past.</p> |  |
|     | <p>b. Inspection Report from Zoning Administrator - Formal report attached to minutes. See Attachment "A".</p>  |  |
|     | <p>c. Findings of Fact - Formal report attached to minutes. See Attachment "B".</p>   |  |
|     | <p>d. Public Comment</p> <p>A letter from Ruth Rivera Buhle, attorney for Edith Kyser was read, that spoke in favor of the renewal. No other comment from the public.</p>   |  |
|     | <p>e. Commission Discussion</p> <p>None.</p>  |  |

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|                   | <p>f. Vote</p> <p><b>Moved by: Noonan, seconded by: Schaeffer</b> to adopt the Commission's Standard Approval Resolution Number One to grant an extension of a special use permit for gravel processing and mining operations on property tax parcel(s) 45-007-020-001-00, 45-007-020-001-20, 45-007-020-006-10, 45-007-020-006-20, 45-007-020-008-00, and 45-007-021-013-05, owned by Elmers Real Estate Company with the following conditions:</p> <ol style="list-style-type: none"> <li><b>1 For a period of two years ending on November 21, 2023</b></li> <li><b>2 Providing of an updated Letter of Credit to the Township Clerk, expiring on or after November 21, 2024 by January 15, 2022</b></li> </ol> <p>The copy of the complete approval resolution will be found as Attachment "C" to these minutes.</p> <p>Roll Call Vote:</p> <p style="padding-left: 40px;"><b>Anderson Aye</b><br/> <b>Carter Aye</b><br/> <b>Noonan Aye</b><br/> <b>Roush Aye</b><br/> <b>Schaeffer Aye</b></p> <p style="text-align: right;"><b>CARRIED</b></p> | <p><b>MOTION TO APPROVE SUP RENEWAL FOR ELMERS REAL ESTATE COMPANY</b></p> |
| <p><b>7A2</b></p> | <p><b>Consideration of SUP Renewal - LRM RE Holdings LLC.</b></p>   |  |
|                   | <p>a. Presentation by applicant - Attorney Joe Quandt. representing the Applicant.</p> <p>Mr. Quandt introduced himself, again, coincidentally representing LRM RE Holdings, LLC.</p> <p>No changes to the expiring SUP - the operations are continuing as in the past.</p>   |  |
|                   | <p>b. Inspection Report from Zoning Administrator - Formal report attached to minutes. See Attachment "D".</p>  |  |
|                   | <p>c. Findings of Fact - Formal report attached to minutes. See Attachment "E".</p>   |  |

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|------------|--|--|
|            | d. Public Comment<br>None.   |  |
|            | e. Commission Discussion<br>None.  |  |
|            | <p>f. Vote</p> <p><b>Moved by: Schaeffer, seconded by: Carter to adopt the Commission's Standard Approval Resolution Number One to grant an extension of a special use permit for gravel processing and mining operations on property tax parcel(s) 045-007-028-003-00 and 045-007-027-006-00, owned by LRM RE Holdings, LLC, with the following conditions:</b></p> <p><b>1 For a period of two years ending on November 21, 2023.</b></p> <p><b>2 Providing of an updated Letter of Credit in proper order to the Township Clerk, expiring on or after November 21, 2024 by January 15, 2022.</b></p> <p>The copy of the complete approval resolution will be found as Attachment "F" to these minutes.</p> <p>Roll Call Vote:</p> <p><b>Anderson Aye</b><br/> <b>Carter Aye</b><br/> <b>Noonan Aye</b><br/> <b>Roush Aye</b><br/> <b>Schaeffer Aye</b></p> <p style="text-align: right;"><b>CARRIED</b></p> | <p><b>MOTION TO APPROVE SUP RENEWAL FOR LRM RE HOLDINGS, LLC</b></p> |
| <b>7A3</b> | <b>Consideration of SUP Renewal -Duane and Mary Newman</b>   |  |
|            | a. Presentation by applicant - Mr and Mrs Newman indicated that there are no changes to the expiring SUP - the operations are continuing as in the past.   |  |
|            | b. Inspection Report from Zoning Administrator - Formal report attached to minutes. See Attachment "G".  |  |

**APPROVED MINUTES**

[Without Corrections]

|           |   |   |
|-----------|---|---|
|           | c. Findings of Fact - Formal report attached to minutes. See Attachment "H".  |   |
|           | d. Public Comment<br>None.  |   |
|           | e. Commission Discussion<br>None.   |   |
|           | <p>f. Vote</p> <p><b>Moved by: Schaeffer, seconded by: Carter to adopt the Commission's Standard Approval Resolution Number One to grant an extension of a special use permit for gravel processing and mining operations on property tax parcel(s) 045-007-021-008-00, 045-007-027-003-00, and 045-007-028-001-00 owned by Duane and Mary Newman with the following conditions:</b></p> <p><b>1 For a period of two years ending on November 21, 2023.</b></p> <p><b>[Note: the Newman's performance bond is in the form of a CD held by the Township Treasurer, and whose expiration is extended to November 21, 2024.]</b></p> <p>The copy of the complete approval resolution will be found as Attachment "I" to these minutes.</p> <p>Roll Call Vote:</p> <p><b>Anderson Aye</b><br/> <b>Carter Aye</b><br/> <b>Noonan Aye</b><br/> <b>Roush Aye</b><br/> <b>Schaeffer Aye</b></p> <p><b>CARRIED</b></p> | <p><b>MOTION TO APPROVE SUP RENEWAL FOR DUANE AND MARY NEWMAN</b></p> |
| <b>6C</b> | <p><b>Close Public Hearing</b></p> <p><b>Moved by: Carter, seconded by: Anderson to close the Public Hearing</b><br/> <b>Ayes: All</b></p> <p><b>CARRIED</b></p>  |   |

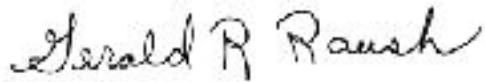
**APPROVED MINUTES****[Without Corrections]**

|           |   |                                    |
|-----------|---|------------------------------------|
| <b>7</b>  | None.   | <b>CORRESPONDENCE</b>              |
| <b>8A</b> | Roush: None.  | <b>AREA REPORTS</b><br>Chairperson |
| <b>8B</b> | Schaeffer: None.  | Secretary                          |
| <b>8C</b> | Carter: Informed the Commissioners that Elmers has presented plans to the Leelanau County Road Commission to close Baatz Rd. from the intersection with Coleman Rd to the west for approximately 1/2 mile for the purpose of mining gravel from within the road right-of-way, constructing a culvert across the road, and re-establishing the road surface. The new road surface will sunken, below the existing level. The culvert will allow placing a conveyer to connect the northern and southern parcels. | Township Board                     |
| <b>8D</b> | Anderson: No report (no meeting)  | Board of Appeals                   |
| <b>8E</b> | Cypher: Verbally summarized his printed monthly reports for September and October, 2021.  | Zoning Administrator               |
| <b>9</b>  | None.   | <b>PUBLIC COMMENT</b>              |

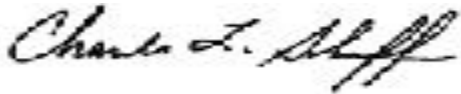
|            |  |   |
|------------|--|---|
| <b>10A</b> | <p>Commissioner Schaeffer reported he obtained a thumb drive from Stella Otto which contains the updated sections of the Plan in both Word (old) and PDF formats. The drive has been backed up and will be provided to LIAA for formatting by Thursday of this week.</p> <p>Moving forward:</p> <ol style="list-style-type: none"><li>1. Commissioners will be sent a PDF version, with all sections combined. This will provide them with an advance copy to review while waiting for the LIAA-formatted document to be returned (approximately two weeks).</li><li>2. Commissioners will then be provided a printed copy of LIAA's document for final review and corrections to mechanical aspects. No content changes will be permitted at this stage.</li><li>3. The copy (revised) will then be provided to the Township Board for a first look, before forwarding it to the Leelanau County Planning Commission for its review.</li><li>4. The LCPC's comments will be reviewed by the KTPC with the possibility of including some of the LCPC's recommendations. The KTPC will then approve the final version and forward it to the Kasson Township Board.</li><li>5. The Kasson Township Board will then have the opportunity to provide final revisions to the Plan and then formally adopt the plan.</li></ol> | <b>UNFINISHED<br/>BUSINESS<br/>Master Plan<br/>Review</b> |
| <b>11</b>  | None.  | <b>NEW BUSINESS</b>                                       |
| <b>12</b>  | None.  | <b>COMMENTS<br/>FROM THE<br/>PUBLIC</b>                   |
| <b>13</b>  | None.  | <b>COMMENTS<br/>FROM<br/>COMMISSION-<br/>ERS</b>          |
| <b>14</b>  | Monday, December 20, 7:00 PM, Township Hall.   | <b>NEXT MEETING</b>                                       |

**APPROVED MINUTES****[Without Corrections]**

|           |   |  |
|-----------|---|--|
| <b>15</b> | <b>Moved by <i>Carter</i>, seconded by <i>Noonan</i> to adjourn the meeting.</b><br><b>Ayes: All</b><br>The meeting was adjourned at 8:15 PM. | <b>ADJOURNMENT</b><br><br><br><br><b>CARRIED</b> |
|           |   |  |



Commission Vice-Chair November 15, 2021

Minutes Prepared by  
Chuck Schaeffer  
Commission Secretary

Commission Secretary November 15, 2021



**ATTACHMENT "A" - ZA INSPECTION REPORT - ELMERS**

**KASSON TOWNSHIP  
GRAVEL RENEWAL  
ZONING ADMINISTRATOR INSPECTION REPORT**

**SPECIAL USE PERMIT RENEWAL – GRAVEL, TAX #'s** 007-020-001-00 & 007-020-001-10  
007-020-001-20 & 007-020-006-20 & 007-020-008-00

**A. ADDRESS OR BUSINESS NAME:** ELMERS M 72 PIT - APPROX. 188 A + or –  
2272 W. EMPIRE HWY., MAPLE CITY, MI 49664

**B. INSPECTION BY:** TIMOTHY A. CYPHER KTZA **DATE & TIME:** FRIDAY, 11/5/21 3PM

**C. NAMES OF OWNER / REPRESENTATIVE PRESENT:** NOT PRESENT DUE TO + COVID  
QUARANTINED

**D. NAMES OF PUBLIC OFFICIALS PRESENT:** KTZA, TIMOTHY A. CYPHER

**E. NAMES OF MEMBERS OF THE PUBLIC PRESENT:** N/A.

**F. CONDITIONS OBSERVED/CONVERSATIONS:** REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE MET DUE TO 1,000 18" HIGH TREE PLANTINGS FINISHED IN VARIOUS BERM AREAS, NO CHANGES FROM PREVIOUS SUBMITTAL. ONE COMPLAINT ON JACK BRAKING ON COLEMAN RD TURNED OVER TO LCRC – NO VIOLATION REPORTED .

**G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED:** NO VIOLATIONS OBSERVED.

**H. RECOMMENDATIONS MADE TO OWNER:** MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS. ZA CYPHER FEELS A GOOD RELATIONSHIP IS IN PLACE WITH MR. WOLF, & ELMERS AND LOOKING FORWARD TO THE SAME IN THE FUTURE.

**I. NOTES FOR THE FILE OR FOLLOW UP:** APPLICANT PROVIDING ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.

**SIGNED BY:** *Timothy A. Cypher, 11/15/2021*

**ATTACHMENT “B” - FINDINGS OF FACT - ELMERS**

**KASSON TOWNSHIP  
PLANNING/ZONING SPECIAL USE PERMIT  
SUP RENEWAL STAFF REPORT AND FINDINGS OF FACT**

Applicant Name(s) **ELMERS REAL ESTATE CO, LLC**

Tax Parcel Number 007-020-001-00 & -10 & -20      Date of Meeting MONDAY, 11/15/21  
007-020-006-20 & 007-020-008-00

**STAFF REPORT**

On Friday 11/5/2020, Zoning Administrator Tim Cypher physically inspected the property.

No Elmer’s staff was present during this inspection due to being quarantined

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 11/15/2021

*REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE. 1,000 , 18” TREES WERE PLANTED IN THE LAST TWO YEARS. NO ADDITIONAL CHANGES FROM PREVIOUS SUBMITTAL. ( SEE EXHIBIT ) NO FORMAL COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 .*

*NO VIOLATIONS OBSERVED.*

| <b>GENERAL FINDINGS OF FACT</b>   |
|---|
| The Commission finds that the site is located in Kasson Township, Leelanau County.  |
| The Commission finds that the site is 188 acres M/L in size.  |
| The Commission finds that the site is located in the Gravel Zoning District   |
| <b>The Commission finds that the proposed type of use of the property will be Gravel Mining and Extraction in nature.</b>   |
| The Commission finds that the proposed use as an earth removal, or quarrying, or gravel processing and mining operation is permitted in this District as a conditional use with a Special Use Permit.   |
| The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.  |
| The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.  |
| The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan...   |
| The Commission finds that a Notice of Public hearing was published on October 21 <sup>st</sup> , 2021 in the <i>Leelanau Enterprise</i> as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).           |
| The Commission finds that notice was mailed to all required parties on October 21 <sup>st</sup> , 2021 , as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).  |
| The Commission finds that an affidavit of notice as to the manner and date of service to all required parties was filed with the Commission at or before the meeting at which the special use permit is being considered as required by Sections 7.6.A.4 of the Zoning Ordinance. |
| The property covered by this Special Use Permit Application is described as:<br>2272. W. Empire Hwy., Maple City, MI 49664  |

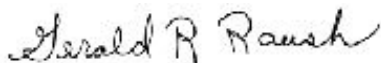
| ITEM  | STD MET? | FINDING(S):  |
|---|----------|--|
| <b>SECTION 7.7 BASIS FOR DETERMINATION</b>  |          |  |
| <i>Before approval (or extensions) of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:</i> |          |  |
| <i>A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, as indicated in the Township Master Plan or other policies of the Township.</i>   | YES      | This site is located in the Gravel Zoning District. Other similar processing operations exist in the District, this operation being no different in character. Gravel extraction is indicated for this area in the Master Plan of the Township. Therefore, it is found that this requirement is met. |
| <i>B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.</i>  | YES      | This operation is one of the largest in the Township. In the past, it is believed that when any issues arose with surrounding owners, those were resolved quickly. Therefore, it is found that this requirement is met.  |
| <i>C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.</i>   | YES      | Since the operation will continue as it has for a number of years, it is not expected to have additional impact on surrounding properties and residents. Therefore, it is found that this requirement is met.  |
| <i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on public costs for public facilities and services. Therefore, it is found that this requirement is met.   |
| <i>E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise or odors.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on surrounding properties and residents for fumes, glare, noise or odors. Therefore, it is found that this requirement is met.   |

**APPROVED MINUTES****[Without Corrections]**

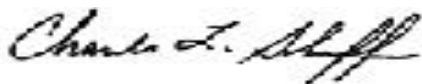
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| <i>F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.</i>  | YES | Based on past performance of the applicant who has other Special Use Permits, it is assumed and expected that the existing use will continue to be in compliance, follow the principles of sound planning and not jeopardize the economic welfare. Therefore, it is found that this requirement is met.   |
| <i>G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.</i> | YES | Obviously the extraction of sand and gravel has an impact on the natural resources of the Township. However, in the past, the operation has not been observed to have adverse impact on the other resources listed in this requirement. This land use has provided economic benefit to the Township and the region as a whole. Therefore, it is found that this requirement is met. |
| <i>H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.</i>   | YES | Since the nature of this mining operation is to create an area that is lower than the surrounding land, all drainage substances stay within the property. This pit does not collect groundwater that requires pumping and disposal offsite. Therefore, it is found that this requirement is met.  |

ATTEST:

FOR THE COMMISSION



Planning Commission Vice Chairperson



Planning Commission Secretary

FOR THE STAFF

**Timothy A. Cypher, 11/15/2021**

Township Zoning Administrator

## ATTACHMENT "C" - APPROVAL RESOLUTION - ELMERS

STATE OF MICHIGAN )  
 LEELANAU COUNTY ) SS)  
 KASSON TOWNSHIP )

**A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL PROCESSING AND MINING OPERATIONS ON PROPERTY TAX PARCEL(S) 45-007-020-001-00, 45-007-020-001-20, 45-007-020-006-10, 45-007-020-006-20, 45-007-020-008-00, and 45-007-021-013-05.**

WHEREAS, Elmers Real Estate Company, the owner of property located at 2488 and 2272 West Empire Hwy., Empire MI, and 1471 and 1033 W Kasson Center Rd Maple City, MI, has filed an application for a Special Use permit for Gravel Processing and Mining Operations said property being zoned "Gravel" and legally described as shown in a Planning/Zoning Application and known as Tax Parcel (S) 45-007-020-001-00, 45-007-020-001-20, 45-007-020-006-10, 45-007-020-006-20, 45-007-020-008-00, and 45-007-021-013-05, and

WHEREAS, following due and proper notice by publication in the *Leelanau Enterprise* not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission ("the Commission") conducted a public hearing on November 15, 2021, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and [number speaking for] persons testified in favor of the petition and [number speaking against] in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, dated November 15, 2021, and are appended hereto; and

WHEREAS, the Commission having considered the findings of fact and has determined that extending a Special Use Permit to allow Gravel Processing and Mining Operations on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact of the Commission, are hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby renewed to allow Gravel Processing and Mining Operations on property located at 2488 and 2272 West Empire Hwy., Empire MI, and 1471 and 1033 W Kasson Center Rd Maple City, MI, and known as tax parcels Tax Parcel (S) 45-007-020-001-00, 45-007-020-001-20, 45-007-020-006-10, 45-007-020-006-20, 45-007-020-008-00, and 45-007-021-013-05

SECTION THREE: This Special Use Permit is subject to the following conditions:

- 1) Renewal for additional period of two years, subject to continuing review and approval of the Kasson Township Planning Commission. Permit is extended to November 21, 2023.
- 2) Providing of an updated Letter of Credit to the Township Clerk, expiring on or after November 21, 2024 by January 15, 2022

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 15th DAY OF November, 2021.

## APPROVED MINUTES

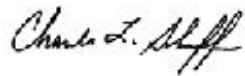
[Without Corrections]

| Commissioners   | Aye: | Nay | Abstain | Absent |
|-----------------|------|-----|---------|--------|
| Jim Anderson    | X    |     |         |        |
| Tad Carter      | X    |     |         |        |
| David Noonan    | X    |     |         |        |
| Jerry Roush     | X    |     |         |        |
| Chuck Schaeffer | X    |     |         |        |



Jerry Roush, Planning Commission Vice Chairperson

ATTEST



Chuck Schaeffer, Planning Commission Secretary

**ATTACHMENT “D” - ZA INSPECTION REPORT - LRM RE HOLDINGS**

**KASSON TOWNSHIP  
ZONING ADMINISTRATOR INSPECTION REPORT**

**SPECIAL USE PERMIT RENEWAL – GRAVEL TAX #'s** 007-028-003-00 & 007-027-006-00

**A. ADDRESS OR BUSINESS NAME:** *LEELANAU REDI MIX - APPROX. 80A + or -*

**B. INSPECTION BY:** *TIMOTHY A. CYPHER KTZA* **DATE & TIME:** *FRIDAY, 11/5/21 2 PM*

**C. NAMES OF OWNER / REPRESENTATIVE PRESENT:** *NO OWNER REP PRESENT*

**D. NAMES OF PUBLIC OFFICIALS PRESENT:** *KTZA, TIMOTHY A. CYPHER*

**E. NAMES OF MEMBERS OF THE PUBLIC PRESENT:** *N/A*

**F. CONDITIONS OBSERVED/CONVERSATIONS:** *REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. ZA CYPHER CONFIRMED SCREENING LACKING ON ROADSIDE OF 007-027-006-00. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP*

**G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED:** *NO VIOLATIONS OBSERVED ALTHOUGH SCREENING WAS LACKING/SPARSE AS NOTED IN F.*

**H. RECOMMENDATIONS MADE TO OWNER:** *ADD MORE SCREENING ON WEST PROPERTY LINE OF 007-027-006-00. ALSO MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS.*

**I. NOTES FOR THE FILE OR FOLLOW UP:** *ZA TO OBTAIN ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.*

**SIGNED BY:** *Timothy A. Cypher, 11/15/21*

*IF MORE ROOM IS NEEDED, PLEASE ATTACH ADDITIONAL SHEET(S) AND NOTE THE SECTION LETTER FROM WHICH YOU ARE CONTINUING.*



**ATTACHMENT “E” - FINDINGS OF FACT - LRM RE HOLDINGS**

**KASSON TOWNSHIP  
PLANNING/ZONING SPECIAL USE PERMIT  
SUP RENEWAL STAFF REPORT AND FINDINGS OF FACT**

Applicant Name(s) **LEELANAU REDI MIX**

Tax Parcel Number 007-027-006-00  
007-028-003-00

Date of Meeting MONDAY, 11/15/21

**STAFF REPORT**

On Friday 11/5/21, Zoning Administrator Tim Cypher physically inspected the property.

The ZA completed the inspection with no staff from Leelanau Redi Mix.

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 11/15/21

REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. ZA CYPHER CONFIRMED VEGETATION LACKING ON THE TOP OF THE BERM ALONG WEST ROADSIDE OF PARCEL 007-027-006-00 HOWEVER IT WAS DETERMINED BY THE PLANNING COMMISSION THAT THIS WAS A GRANDFATHERED STATUS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP.

| <b>GENERAL FINDINGS OF FACT</b>   |
|---|
| The Commission finds that the site is located in Kasson Township, Leelanau County.  |
| The Commission finds that the site is 80 acres M/L in size.   |
| The Commission finds that the site is located in the Gravel Zoning District   |
| The Commission finds that the proposed type of use of the property will be Gravel Mining and Extraction in nature.  |
| The Commission finds that the proposed use as an earth removal, or quarrying, or gravel processing and mining operation is permitted in this District as a conditional use with a Special Use Permit.   |
| The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.  |
| The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.  |
| The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan...   |
| The Commission finds that a Notice of Public hearing was published on October 21 <sup>st</sup> , in the <i>Leelanau Enterprise</i> as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).                |
| The Commission finds that notice was mailed to all required parties on October 21 <sup>st</sup> ,2021 , as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).   |
| The Commission finds that an affidavit of notice as to the manner and date of service to all required parties was filed with the Commission at or before the meeting at which the special use permit is being considered as required by Sections 7.6.A.4 of the Zoning Ordinance. |
| The property covered by this Special Use Permit Application is described as:<br>12488 S. Newman Road Maple City, MI.  |

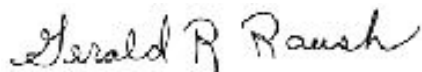
| ITEM  | STD MET? | FINDING(S):  |
|---|----------|--|
| <b>SECTION 7.7 BASIS FOR DETERMINATION</b>  |          |  |
| <i>Before approval (or extensions) of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:</i> |          |  |
| <i>A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, as indicated in the Township Master Plan or other policies of the Township.</i>   | YES      | This site is located in the Gravel Zoning District. Other similar processing operations exist in the District, this operation being no different in character. Gravel extraction is indicated for this area on the Master Plan of the Township. Therefore, it is found that this requirement is met. |
| <i>B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.</i>  | YES      | In the past, it is believed that when any issues arose with surrounding owners, those were resolved quickly. Therefore, it is found that this requirement is met.  |
| <i>C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.</i>   | YES      | Since the operation will continue as it has for a number of years, it is not expected to have additional impact on surrounding properties and residents. Therefore, it is found that this requirement is met.  |
| <i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on public costs for public facilities and services. Therefore, it is found that this requirement is met.   |
| <i>E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise or odors.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on surrounding properties and residents for fumes, glare, noise or odors. Therefore, it is found that this requirement is met.   |

**APPROVED MINUTES****[Without Corrections]**

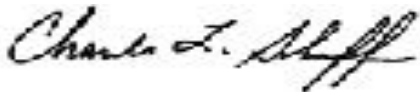
|   |     |  |
|---|-----|--|
| <i>F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.</i>  | YES | Based on past performance of the applicant who has another Special Use Permit, it is assumed and expected that the existing use will continue to be in compliance, follow the principles of sound planning and not jeopardize the economic welfare. Therefore, it is found that this requirement is met.   |
| <i>G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.</i> | YES | Obviously the extraction of sand and gravel has an impact on the natural resources of the Township. However in the past, the operation has not been observed to have adverse impact on the other resources listed in this requirement. This land use has provided economic benefit to the Township and the region as a whole. Therefore, it is found that this requirement is met. |
| <i>H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.</i>   | YES | Since the nature of this mining operation is to create an area that is lower than the surrounding land, all drainage substances stay within the property. This pit does not collect groundwater that requires pumping and disposal offsite. Therefore, it is found that this requirement is met.   |

ATTEST:

FOR THE COMMISSION



Planning Commission Vice Chairperson



Planning Commission Secretary

FOR THE STAFF

**Timothy A. Cypher, 11/15/2021**

Township Zoning Administrator

## ATTACHMENT "F" - APPROVAL RESOLUTION - LRM RE HOLDINGS

STATE OF MICHIGAN )  
 LEELANAU COUNTY ) SS)  
 KASSON TOWNSHIP )

**A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL PROCESSING AND MINING OPERATIONS ON PROPERTY TAX PARCEL(S) 045-007-028-003-00 and 045-007-027-006-00**

WHEREAS, **LRM RE Holdings, LLC**, the owner of property located **12488 S Newman Rd.**, Maple City, MI, has filed an application for a Special Use permit for **Gravel Processing and Mining Operations**, said property being zoned "**Gravel**" and legally described as shown in a Planning/Zoning Application and known as Tax Parcel (S) **045-007-028-003-00 and 045-007-027-006-00**, and

WHEREAS, following due and proper notice by publication in the *Leelanau Enterprise* not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission ("the Commission") conducted a public hearing on **November 15, 2021**, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and **[number speaking for]** persons testified in favor of the petition and **[number speaking against]** in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, dated **November 15, 2021**, and are appended hereto; and

WHEREAS, the Commission having considered the findings of fact and has determined that **extending** a Special Use Permit to allow **Gravel Processing and Mining Operations**, on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact of the Commission, are hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby **renewed** to allow **Gravel Processing and Mining Operations**, on property located at **12488 S Newman Rd. Maple City, MI**, and known as tax parcels **045-007-028-003-00 and 045-007-027-006-00**.

SECTION THREE: This Special Use Permit is subject to the following conditions:

- 1) Renewal for .additional period of two years, subject to continuing review and approval of the Kasson Township Planning Commission. Permit is extended to **November 21, 2023**.
- 2) Providing of an updated Letter of Credit to the Township Clerk, expiring on or after **November 21, 2024 by January 15, 2022**.
- 3) **[List Additional conditions here]**

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

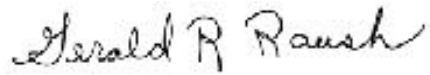
PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS **15TH DAY OF November, 2021**.

| Commissioners | Aye: | Nay | Abstain | Absent |
|---------------|------|-----|---------|--------|
|---------------|------|-----|---------|--------|

|              |   |  |  |  |
|--------------|---|--|--|--|
| Jim Anderson | X |  |  |  |
|--------------|---|--|--|--|

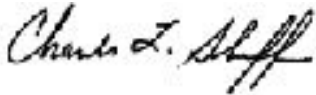
**APPROVED MINUTES**  
**[Without Corrections]**

|                 |   |
|-----------------|---|
| Tad Carter      | X |
| David Noonan    | X |
| Jerry Roush     | X |
| Chuck Schaeffer | X |



Gerry Roush, Planning Commission Vice Chairperson

ATTEST



Chuck Schaeffer, Planning Commission Secretary

**ATTACHMENT "G" - ZA INSPECTION REPORT - DUANE AND MARY NEWMAN**

**KASSON TOWNSHIP  
ZONING ADMINISTRATOR INSPECTION REPORT**

**SPECIAL USE PERMIT RENEWAL – GRAVEL TAX #'s** 007-021-008-00, 007-027-003-00 &  
007-028-001-00

**A. ADDRESS OR BUSINESS NAME:** NEWMAN PITS - APPROX. 140A + or -

**B. INSPECTION BY:** TIMOTHY A. CYPHER KTZA **DATE & TIME:** FRIDAY, 11/5/21 1PM

**C. NAMES OF OWNER / REPRESENTATIVE PRESENT:** NONE

**D. NAMES OF PUBLIC OFFICIALS PRESENT:** KTZA, TIMOTHY A. CYPHER

**E. NAMES OF MEMBERS OF THE PUBLIC PRESENT:** N/A

**F. CONDITIONS OBSERVED/CONVERSATIONS:** REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. ZA CYPHER CONFIRMED SCREENING MAINTAINED PER PREVIOUS APPROVALS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP

**G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED:** NO VIOLATIONS OBSERVED

**H. RECOMMENDATIONS MADE TO OWNER:** MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS.

**I. NOTES FOR THE FILE OR FOLLOW UP:** ZA TO OBTAIN ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.

**SIGNED BY:** *Timothy A. Cypher, 11/15/21*

IF MORE ROOM IS NEEDED, PLEASE ATTACH ADDITIONAL SHEET(S) AND NOTE THE SECTION LETTER FROM WHICH YOU ARE CONTINUING.

**ATTACHMENT “H” - FINDINGS OF FACT - DUANE AND MARY NEWMAN**

**KASSON TOWNSHIP  
PLANNING/ZONING SPECIAL USE PERMIT  
SUP RENEWAL STAFF REPORT AND FINDINGS OF FACT**

Applicant Name(s) **DUANE AND MARY NEWMAN**

Tax Parcel Number 007-021-008-00  
007-027-003-00 & 007-028-001-00

Date of Meeting MONDAY, 11/15/21

**STAFF REPORT**

On Friday 11/5/21, Zoning Administrator Tim Cypher physically inspected the property.

The ZA completed the inspection on his own.

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 11/16/19

REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. SNOW COVER LIMITED COMPLETE INSPECTION. ZA CYPHER CONFIRMED SCREENING MAINTAINED PER PREVIOUS APPROVALS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP.



| <b>GENERAL FINDINGS OF FACT</b>   |
|---|
| The Commission finds that the site is located in Kasson Township, Leelanau County.  |
| The Commission finds that the site is 140 acres M/L in size.  |
| The Commission finds that the site is located in the Gravel Zoning District   |
| The Commission finds that the proposed type of use of the property will be Gravel Mining and Extraction in nature.  |
| The Commission finds that the proposed use as an earth removal, or quarrying, or gravel processing and mining operation is permitted in this District as a conditional use with a Special Use Permit.   |
| The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.  |
| The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.  |
| The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan...   |
| The Commission finds that a Notice of Public hearing was published on October 21 <sup>st</sup> , 2021 in the <i>Leelanau Enterprise</i> as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).           |
| The Commission finds that notice was mailed to all required parties on October 21 <sup>st</sup> , 2021 as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).  |
| The Commission finds that an affidavit of notice as to the manner and date of service to all required parties was filed with the Commission at or before the meeting at which the special use permit is being considered as required by Sections 7.6.A.4 of the Zoning Ordinance. |
| The property covered by this Special Use Permit Application is described as:<br>11525 Newman Road, Maple City, MI.  |

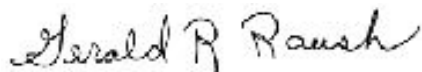
| ITEM  | STD MET? | FINDING(S):  |
|---|----------|--|
| <b>SECTION 7.7 BASIS FOR DETERMINATION</b>  |          |  |
| <i>Before approval (or extensions) of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:</i> |          |  |
| <i>A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, as indicated in the Township Master Plan or other policies of the Township.</i>   | YES      | This site is located in the Gravel Zoning District. Other similar processing operations exist in the District, this operation being no different in character. Gravel extraction is indicated for this area on the Master Plan of the Township. Therefore, it is found that this requirement is met. |
| <i>B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.</i>  | YES      | In the past, it is believed that when any issues arose with surrounding owners, those were resolved quickly. Therefore, it is found that this requirement is met.  |
| <i>C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.</i>   | YES      | Since the operation will continue as it has for a number of years, it is not expected to have additional impact on surrounding properties and residents. Therefore, it is found that this requirement is met.  |
| <i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on public costs for public facilities and services. Therefore, it is found that this requirement is met.   |
| <i>E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise or odors.</i>  | YES      | Since the operation will continue as it has for several years, it is not expected to have additional impact on surrounding properties and residents for fumes, glare, noise or odors. Therefore, it is found that this requirement is met.   |

**APPROVED MINUTES****[Without Corrections]**

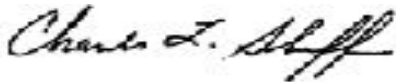
|   |     |  |
|---|-----|--|
| <i>F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.</i>  | YES | Based on past performance of the applicant, it is assumed and expected that the existing use will continue to be in compliance, follow the principles of sound planning and not jeopardize the economic welfare. Therefore, it is found that this requirement is met.  |
| <i>G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.</i> | YES | Obviously the extraction of sand and gravel has an impact on the natural resources of the Township. However in the past, the operation has not been observed to have adverse impact on the other resources listed in this requirement. This land use has provided economic benefit to the Township and the region as a whole. Therefore, it is found that this requirement is met. |
| <i>H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.</i>   | YES | Since the nature of this mining operation is to create an area that is lower than the surrounding land, all drainage substances stay within the property. This pit does not collect groundwater that requires pumping and disposal offsite. Therefore, it is found that this requirement is met.   |

ATTEST:

FOR THE COMMISSION



Planning Commission Vice Chairperson



Planning Commission Secretary

FOR THE STAFF

**Timothy A. Cypher, 11/15/2021**

Township Zoning Administrator

## ATTACHMENT "I" - APPROVAL RESOLUTION - DUANE AND MARY NEWMAN

STATE OF MICHIGAN )  
 LEELANAU COUNTY ) SS)  
 KASSON TOWNSHIP )

**A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL PROCESSING AND MINING OPERATIONS ON PROPERTY TAX PARCEL(S) 045-007-021-008-00, 045-007-027-003-00, and 045-007-028-001-00**

WHEREAS, Duane and Mary Newman, the owners of property located 11566 S Newman Rd, Maple City, MI, has filed an application for a Special Use permit for Gravel Processing and Mining Operations, said property being zoned "Gravel" and legally described as shown in a Planning/Zoning Application and known as Tax Parcel (S) 045-007-021-008-00, 045-007-027-003-00, and 045-007-028-001-00, and

WHEREAS, following due and proper notice by publication in the *Leelanau Enterprise* not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission ("the Commission") conducted a public hearing on November 15, 2021, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and [number speaking for] persons testified in favor of the petition and [number speaking against] in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, dated November 15, 2021, and are appended hereto; and

WHEREAS, the Commission having considered the findings of fact and has determined that extending a Special Use Permit to allow Gravel Processing and Mining Operations on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact of the Commission, are hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby renewed to allow Gravel Processing and Mining Operations on property located at 11566 S Newman Rd. Maple City, MI, and known as tax parcels (S) 045-007-021-008-00, 045-007-027-003-00, and 045-007-028-001-00

SECTION THREE: This Special Use Permit is subject to the following conditions:

- 1) Renewal for additional period of two years, subject to continuing review and approval of the Kasson Township Planning Commission. Permit is extended to November 21, 2023.
- 2) [List Additional conditions here]

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 15TH DAY OF November, 2021

**Commissioners      Aye:    Nay    Abstain    Absent**

Jim Anderson        X  
 Tad Carter            X

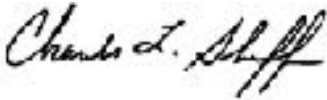
**APPROVED MINUTES**  
**[Without Corrections]**

|                 |   |
|-----------------|---|
| David Noonan    | X |
| Jerry Roush     | X |
| Chuck Schaeffer | X |



Gerry Roush, Planning Commission Vice Chairperson

ATTEST



Chuck Schaeffer, Planning Commission Secretary